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Dated: September 15, 2004 Signature:

(Lisa J. Michaud)

Docket No.: 101896-0252 (DEP-5319)  
(PATENT)

IFW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Michael A. Slivka et al.

Application No.: 10/709,795

Filed: May 28, 2004

For: ANCHORING SYSTEMS AND METHODS  
FOR CORRECTING SPINAL  
DEFORMITIES

Confirmation No.: 3794

Art Unit: 3732

Examiner: Not Yet Assigned

### INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. Copies of the U.S. Patent and Publications are not enclosed because this application was filed after June 30, 2003. Copies of all other references are enclosed herewith.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

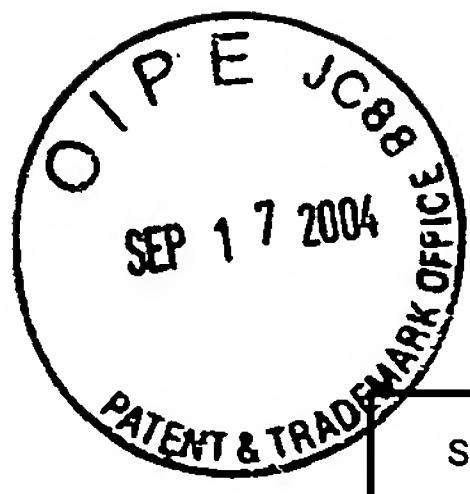
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-0252. A duplicate copy of this paper is enclosed.

Dated: September 15, 2004

Respectfully submitted,

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PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	1	Attorney Docket Number	101896-0252 (DEP-5319)
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### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-5,782,831	07-21-1998	Michael C. Sherman	
		US-6,248,106	06-19-2001	Bret Ferree	
		US-6,296,643	10-02-2001	Christoph Hopf	
		US-6,325,805	12-04-2001	James Ogilvie	
		US-6,551,320	04-22-2003	Isador Lieberman	
		US-6,623,484	09-23-2003	Randall Betz	
		US-6,616,669	09-09-2003	James Ogilvie	
		US-6,436,099	08-20-2002	Troy D. Drewry	
		US-6,299,613	10-09-2001	JAMES OGILVIE	
		US-6,287,308	09-11-2001	Randall Betz	
		US-5,951,553	09-14-1999	Randall Betz	
		US-2004/0106921	06-03-2004	Kenneth Cheung	
		US-2002/0019636	02-14-2002	James Ogilvie	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		WO-93/22989-A1	11-25-1993	CAMPBELL, Robert, M. Jr.		
		WO-01/03570-A2	01-18-2001	WALL, M.,D., Eric, J.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those patent(s) or publication(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(e)) because that application was filed after June 30, 2003. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		BETZ, Randal R., et al. "An Innovative Technique of Vertebral Body Stapling for the Treatment of Patients With Adolescent Idiopathic Scoliosis: A Feasibility, Safety, and Utility Study" SPINE, Volume 28, Number 205, pages S255-S265 (2003)	
		DWYER, A. F. "Experience of Anterior Correction of Scoliosis" Anterior Correction of Scoliosis, Number 93, pages 191-206 (June, 1973)	
		DWYER, A. F., et al. "Anterior Approach to Scoliosis" The Journal of Bone and Joint Surgery, Vol. 56B, No. 2, pages 218-224 (May, 1974)	
		PIGGOTT Harry, "Growth Modification in the Treatment of Scoliosis", Orthopedics, Vol 10/No 6, pages 945-952 (June 1987)	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.  
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Examiner Signature		Date Considered
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